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PTO/SB/05 (03-01)

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Approved for use through 10/31/2002. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 003493 00359

First Inventor Nicholas G. Duffield

Title APPARATUS FOR SIZE-DEPENDENT SAMPLING FOR MANAGING  
A DATA NETWORK

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Express Mail Label No. EV 028367775 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 34]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 13]
5. Oath or Declaration [Total Pages 3]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Certificate of Express Mail

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_\_ / \_\_\_\_\_  
Prior application information: Examiner \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 28317 or ☐ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Kenneth F. Smolik

Registration No. (Attorney/Agent)

44,344

Signature

Kenneth F. Smolik

Date

January 24, 2002

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	Unassigned
Filing Date	Unassigned
First Named Inventor	Nicholas G. Duffield
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No.	003493.00359

TOTAL AMOUNT OF PAYMENT (\$ 1296

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 01-0850

Deposit Account Name Banner & Witcoff

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		101	740	Utility filing fee	740
		106	330	Design filing fee	
		107	510	Plant filing fee	
		108	740	Reissue filing fee	
		114	160	Provisional filing fee	

SUBTOTAL (1)

(\$ 740

### 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
44	4		24	18	432
			1	84	84
					0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		103	18	Claims in excess of 20	
		102	84	Independent claims in excess of 3	
		104	280	Multiple dependent claim, if not paid	
		109	84	** Reissue independent claims over original patent	
		110	18	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 516

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		105	130	Surcharge - late filing fee or oath	
		127	50	Surcharge - late provisional filing fee or cover sheet	
		139	130	Non-English specification	
		147	2,520	For filing a request for reexamination	
		112	920*	Requesting publication of SIR prior to Examiner action	
		113	1,840*	Requesting publication of SIR after Examiner action	
		115	110	Extension for reply within first month	
		116	400	Extension for reply within second month	
		117	920	Extension for reply within third month	
		118	1,440	Extension for reply within fourth month	
		128	1,960	Extension for reply within fifth month	
		119	320	Notice of Appeal	
		120	320	Filing a brief in support of an appeal	
		121	280	Request for oral hearing	
		138	1,510	Petition to institute a public use proceeding	
		140	110	Petition to revive - unavoidable	
		141	1,280	Petition to revive - unintentional	
		142	1,280	Utility issue fee (or reissue)	
		143	460	Design issue fee	
		144	620	Plant issue fee	
		122	130	Petitions to the Commissioner	
		123	50	Processing fee under 37 CFR 1.17 (q)	
		126	180	Submission of Information Disclosure Stmt	
		581	40	Recording each patent assignment per property (times number of properties)	40
		146	740	Filing a submission after final rejection (37 CFR § 1.129(a))	
		149	740	For each additional invention to be examined (37 CFR § 1.129(b))	
		179	740	Request for Continued Examination (RCE)	
		169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 40

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kenneth F. Smolik	Registration No. Attorney/Agent)	44,344	Telephone	312-715-1000
Signature	<i>Kenneth F. Smolik</i>			Date	January 24, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**CERTIFICATE OF EXPRESS MAIL  
(PATENT)**

Express Mail No. EV 028367775 US  
Deposited January 24, 2002

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under §37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington DC 20231.

By: \_\_\_\_\_

Duffield et al., U.S. Patent Application for APPARATUS FOR SIZE-DEPENDENT  
SAMPLING FOR MANAGING A DATA NETWORK

- Transmittal Form (1 page)
- Fee Transmittal (1 page)
- Application Data Sheet (4 pages)
- Patent Application (34 pages)
- 13 Sheets of Drawings
- Executed Declaration and Power of Attorney (3 pages)
- Patent Recordation Coversheet (1 page)
- Assignment (2 pages)
- Return Receipt Postcard

Attorney Docket No. 03493.00<sup>359</sup>~~358~~